

REMARKS

The remarks are intended to address the telephone conversation with Examiner Smith on July 19, 2006, the Examiner Interview conducted on January 19, 2006, and other issues identified with respect to filing the Amendments and Supplemental Amendments for the above-captioned patent application. Following up on the Examiner Interview conducted on January 19, 2006, Applicants thank the Examiner for her time and consideration. Further to the Examiner Interview Summary, which appears accurate, Applicants specifically discussed the prior art Sugahara, Saini, Reilly, and Boyd, and an Overview of the Litigation involving RE36,648 and RE37,602.

Applicants respectfully submit that the Specification of the application has been amended herein to properly reflect the Applicants' claim for priority by replacing the section entitled "Cross Reference to the Related Patents" as defined above, after the title and before the first line of the application.

Applicants further respectfully submit that a Terminal Disclaimer over the parent Reissue Patent No. RE36,648 was filed and entered on May 24, 2001, and a Terminal Disclaimer over the Reissue Patent No. RE37,602 and accompanying fee, and a Statement Under 37 CFR 3.73(b) were filed on January 24, 2006 with the Third Supplemental Amendment, along with a Reissue Application Declaration by the Assignee. Furthermore, a Supplemental Reissue Declaration with a Statement of Error signed by all inventors, was submitted on March 24, 2006 to replace the original reissue declaration.

Status of the Claims

Pursuant to 37 C.F.R. §1.173(c), the status of the claims pending in the above-captioned application is presented below:

Claim No.	Status	Claim No.	Status	Claim No.	Status	Claim No.	Status
1-23	Canceled	54-56	Pending	60-61	Canceled	79-116	Canceled
24-34	Canceled	57-58	Canceled	62	Pending	117-128	Pending
35-53	Canceled	59	Pending	63-78	Canceled		

Claims 1-116 were pending in the application as a result of entering the Second Supplemental Amendment (Third Revision) submitted on January 12, 2005. For the efficiency of prosecution in the present case, Claims 1-53, 57-58, 60-61, and 63-116 have been canceled herein without prejudice. Applicants, however, reserve all rights to prosecute any canceled subject matter in future applications. Claims 54-56, 59, and 62 have been amended herein to further clarify the subject matter being claimed, and in particular to claim those certain embodiments where the injector control unit includes a drive motor, and is connected to the injector by a non-rigid drive connection, and the communication control link is substantially non-reactive with the magnetic resonance imaging system during operation. Support for the amendments can be found in the specification and original claims, for instance, Col. 2, lines 53-56; Col. 3, line 40 to Col. 4, line 3; Col. 4, lines 11-26, and original claim 13.

Claims 117-128 have been added herewith. Accordingly, there are now three independent claims remaining (Claims 54, 118 and 124) and a total of seventeen claims pending. Newly added claims 118-123 combine the two syringe arrangement from claim 25 (and its dependent claims) in the parent reissue patent No. RE37,602 ("the '602 patent) with the limitation of two motors and specifying that the control link is substantially non-reactive with the magnetic resonance imaging system during operation. Newly added claims 124-128 combine all of the elements recited in claims 9 and 25 in the '602 patent with the additional limitation requiring two motors and specifying that the control link is substantially non-reactive with the magnetic resonance imaging system during operation. No new matter is introduced. Applicants request entry of this Amendment for further consideration.

Applicants respectfully point out that Claims 1-62 had been previously examined and rejected by the Examiner Brian Casler in his First Office Action dated March 21, 2001. A

Response to the First Office Action was submitted on May 21, 2001. In the Response, Applicants respectfully argued that the Claims 1-62 are patentable over the cited prior art Sugahara (U.S. Patent No. 5,464,014), Saini et al., Reilly et al. (U.S. Patent No. 4,677,980), and Boyd (U.S. Patent No. 4,613,328). For example, Applicants argued that there is no suggestion in Sugahara for any fiber optic communications link between the system controller and the infusion apparatus control means; and Saini does not describe or suggest the use of a battery for powering the motor control circuitry and the electric drive motor and for minimizing electromagnetic interference with the magnetic resonance imaging apparatus. Accordingly, Saini cannot be properly combined with Sugahara to render the claims obvious. Furthermore, Applicants argued that Reilly et al. cannot be properly combined with Saini and Sugahara to render the claims obvious because Reilly et al. does not describe or suggest a construction of at least two syringes mounted so that each syringe may be engaged with a respective drive motor at the same time (*See* Amendment dated May 7, 2001, pages 5 and 7-9).

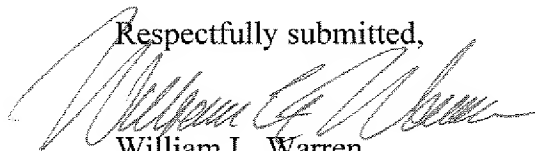
Applicants further respectfully submit that the pending Claims 54-56, 59, 62, and 117-128 are patentable over these prior art references. It should be pointed out that the pending claims are directed to an infusion system including an external system controller and a substantially non-reactive communication control link extending into the shielded room. Such arrangement is not taught by Saini and Sugahara. Instead, Sugahara teaches the transmission of video signals and voice signals across a link extending into a shielded room. Sugahara does not disclose a communication control link extending from outside a shielded MRI room to the inside of such a room, and the communication control link is substantially non-reactive during operation of the two units to generate diagnostic images. Sugahara does not disclose, teach or suggest the transmission of signals for controlling an infusion operation or an infusion apparatus. In addition, neither Saini nor Sugahara disclose a system controller outside a shielded MRI room. Saini teaches a controller inside the shielded room, while Sugahara discloses a video processor outside a shielded room sending video signals inside a shielded room. Accordingly, a combination of Sugahara and Saini could not produce the claimed invention, since all that Sugahara teaches is a link transmitting display signals. This combination, were it to be made,

could at best produce an infusion system with a system controller inside the shielded room, and a link transmitting video to a display.

Moreover, Reilly et al. does not teach the claimed invention alone, and/or in combination with Saini and Sagahara. The Reilly patent discloses a turret arrangement in which two syringes can be mounted in a rotating turret. The injector of Reilly has only one drive mechanism, and only one syringe is engaged by the drive mechanism at a time. If the user wants to switch syringes, the turret must be rotated (like the cylinder of a revolver, for example) to take the first syringe out of registration with the drive mechanism, thereby bringing the second syringe into registration. It is not possible for both syringes to be engaged in Reilly. In contrast, the claimed invention accommodates two syringes, with both syringes capable of being operably engaged at the same time. This advantageous arrangement forecloses the need to manually rotate a turret or other arrangement so as to bring the second syringe into registration, since both syringes can be operably engaged. Therefore, the pending claims, as amended herein, are believed to be in condition for allowance and a notice to that effect is respectfully requested.

The Examiner is encouraged to call the undersigned attorney at 404-853-8081 if doing so will facilitate prosecution of the application. No fees are believed to be due at this time. However, the Commissioner is hereby authorized to charge any additional fees due or credit any overpayment to Deposit Account 19-5029 (Ref.: 23578-0010).

Respectfully submitted,



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